

**REMARKS**

The Examiner has rejected claim 1 and 4-11 under 35 USC 112, second paragraph, as being indefinite. Specifically, the Examiner states that the recitation "'approximately 0.3mm' is indefinite because it could encompass any range between any value less than 0.3mm to, for example, 1mm, 10mm, 100mm, and so on and so forth." The claims have been amended to delete the recitation of "approximately." Accordingly, this rejection should be withdrawn.

Claims 1 and 11 stand rejected under 35 USC 103(a) as being unpatentable over Yamanaka in view of Kawachi. Claims 4-10 stand rejected under 35 USC 103(a) as being unpatentable over Yamanaka in view of Kawachi and Kitani. These rejections are respectfully traversed.

Claim 1 claims an image reading apparatus that includes "a spacer that is mounted on said reading transparent member on a surface thereof opposite the side thereof at which said reading unit is disposed and at a position upstream from the original document reading position relative to an original document conveyance direction." Independent claims 4 and 11 recite similar features.

The Examiner states that Yamanaka discloses a Jump stand 162 in Fig. 5 that corresponds to the claimed spacer. Jump stand 162 does not correspond to the claimed spacer. Jump stand 162 merely scoops up the sheet from the platen plate 161. Accordingly, Jump stand 162 is mounted on at a position downstream from the original document reading position relative to an original document conveyance direction. In comparison, the claimed spacer is positioned upstream from the original document reading position relative to an original document conveyance direction. Accordingly, Yamanaka does not disclose the claimed spacer or suggest any reason for having the claimed spacer.

In addition, the Examiner admits that Yamanaka fails to disclose the claimed feature "the spacer is configured to cause a first portion of the original document to be out of contact with the reading transparent member at a location over the original document reading position and a second portion of the original document to come in contact with the reading transparent member at a

location downstream from the original document reading position relative to the original document conveyance direction as the first portion of the original document is conveyed over the original document reading position and a trailing edge portion of the original document passes a position very close to or in contact with a sloping surface of the spacer,” as recited in claim 1. Accordingly, the Examiner relies upon Kawachi as disclosing this feature.

Specifically, the Examiner states:

... Kawachi discloses a scanner configuration substantially equivalent to that of Yamanaka comprising a spacer that causes a first portion of an original document to be out of contact with a reading transparent member at a location over an original document reading position and a second portion of the original document to come in contact with the reading transparent member at a location downstream from the original document reading position relative to an original document conveyance direction as the first portion of the original document is conveyed over the original document reading position and a trailing edge portion of the original document passes a position very close to or in contact with a sloping surface of the spacer (Drawings 2 and 3, Spacer 7):

This is incorrect. In Kawachi the portion identified by the Examiner as the First Portion is not at a location over the original document reading position. The portion is at a position upstream from the original document reading position relative to an original document conveyance direction. Further, the portion identified by the Examiner as the Second Portion is not at a location downstream from the original document reading position relative to an original document conveyance direction. Accordingly, Yamanaka and Kawachi fail to disclose the claimed spacer for this additional reason as well.

Finally, Kitana fails to disclose these features missing from Yamanaka and is not cited by the Examiner as disclosing these features. Accordingly, since the prior art fails to disclose the claimed spacer, the rejections of claims 1 and 4-11 should be withdrawn.

In view of the above, this application is in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass

this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **325772034600**.

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Respectfully submitted,

By 

Jonathan Bockman

Registration No.: 45,640  
MORRISON & FOERSTER LLP  
1650 Tysons Blvd, Suite 400  
McLean, Virginia 22102  
(703) 760-7769